IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16 of 2005

Between:

Muppalla Mohana Krishna Reddy S/o Rajababu Reddy
R/o Varadanagar, Gudur, Gudur Mandal, Nellore, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur.
Nellore District.
3 The Mandal Revenue Officer, Chillakur (M)
Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, in the nature of a writ of Mandamus or any other appropriate writ, direction, order or orders calling for the records pertaining to the show-cause notice Rc.No.B.251/2004 dt. 19/07/2004 issued by the third respondent and set aside the same as illegal and without jurisdiction and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the schedule land in the interest of justice.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The writ petition is filed questioning the show cause notice vide Rc.No.B.251/2004, dated 19-07-2004, issued by the third respondent-Mandal Revenue Officer, Chillakur Mandal, Nellore District, to which, the petitioner has already submitted his explanation on 31-07-2004 by way of legal notice and further explanation dated 30-08-2004. It is stated that no final orders, as such, have been passed, he moved this Court by way of present writ petition contending that the respondents are trying to evict him from the suit schedule property and the same should be stayed.

Once a notice is issued informing the petitioner that purchase of the lands by him is in contravention of Sub-Section 2 of Section 3 of the A.P. (Prohibition of Alienation of) Assignment Lands Act, 1977, (for short “the Act”), (Act 9 of 1977), the respondents are under obligation to pass appropriate speaking orders and communicate the same to the petitioner. On such communication, the petitioner will obtain a right of appeal under Section 4 of the Act and the said statutory rights cannot be deprived of.

In view of the same, the respondents without following the due procedure as contemplated under the Act, shall not be deprived of the right of the petitioner from his peaceful possession and enjoyment of the schedule property.

The writ petition is accordingly disposed of. No costs.

5th JANUARY, 2005.

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Note: furnish copy by 06.01.05.

B/o

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To

1 The District Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur.
Nellore District.
3 The Mandal Revenue Officer, Chillakur (M)
Nellore District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.